

EXHIBIT B



MEMORANDUM

May 5, 2023

TO: Chief Executive Officers
Chief Human Resources Officers
Chief Student Service Officers
Chief Instructional Officers
Academic Senate Presidents

FROM: Abdimalik Buul, Ed.D, Visiting Executive of Educational Excellence and Equal Employment Opportunity Program

RE: Guidance on Implementation of DEIA Evaluation and Tenure Review Regulations

The California Community Colleges Board of Governors (Board of Governors) has determined that community college employees should develop the professional skills, knowledge, and behaviors necessary to provide our diverse student population with the welcoming and inclusive campus environments that are necessary to student success and more equitable outcomes through the reduction of achievement gaps. This guidance is intended to assist community colleges in achieving these objectives.

Summary

Adopted by the Board of Governors in September 2019, the [Diversity Equity and Inclusion Integration Plan](#) called for the Chancellor's Office and the Diversity, Equity, Inclusion, and Accessibility (DEIA) Implementation Workgroup to establish the enabling conditions for local districts and colleges to embed DEIA competencies and criteria for all California Community College (CCC) employees through employee evaluation and tenure review processes. On May 23, 2022, the Board of Governors took action to establish a DEIA competency and criteria framework that can serve as a minimum standard for evaluating all California Community College employees 2) by adopting regulations to enable colleges and districts to discuss and adopt the minimum skills, abilities, and knowledge, employees must possess or would need to acquire to teach, work, and lead at California Community Colleges.

The regulations were given final approval by the Department of Finance on March 17, 2023, and became effective April 16, 2023. Pursuant to title 5, California Code of Regulations, section 52010, community college districts should conform their policies and procedures to the regulatory requirements within one hundred and eighty (180) days of this effective date.

The purpose of this memorandum is to provide information regarding the Evaluation and tenure review of district employees and the resources that are available to support districts and colleges with local implementation of these regulations.

A full-text copy of the approved DEIA Evaluation and Tenure Review regulations and DEIA competencies and criteria are attached to this memorandum.

Background

Integrating DEIA Competencies and Criteria

Several strategies in the DEIA Integration Plan recommend embedding diversity-focused criteria in employee evaluation and tenure review processes, as well as a diversity performance criterion in the local board self-evaluation process. These recommendations are in alignment with the [Vision for Success](#) and the [Governor's Recovery with Equity Roadmap](#) that calls out the incorporation of "equity-centered practices into teaching and learning, grading, annual evaluations, and faculty review/tenure processes."

To advance efforts around these strategies, a subgroup of the DEIA Implementation Workgroup was tasked with developing DEIA competencies and criteria for employee evaluations and tenure review processes. The subgroup engaged in multiple learning sessions. The information from these learning sessions helped inform the Chancellor's Office and the subgroup's co-design of a [DEIA competencies and criteria](#) framework which provides sample activities relating to the skills, knowledge, and behaviors that California Community College employees must demonstrate or acquire to work, teach, and lead in a diverse community college environment committed to the success of all students. The DEIA competencies and criteria provide a starting point for community college districts to integrate evaluation and tenure processes at the local level.

The DEIA competency and criteria framework was intentionally designed as an example of how districts can develop a framework that is equity-centered and developmental in nature to support the continuous growth of all employees to become more aware, active, and effective in diversity efforts. It recognizes variety among employees and employee groups, including those that do not typically interact with students or who hold leadership positions.

The DEIA competencies are categorized into the following themes:

- Cultural Competency,
- Professional Self-Reflection,
- Professional Self-Improvement,
- DEIA Pedagogy and Curriculum,

- Data, and
- DEIA and Mission.

Within each theme is a non-exhaustive list of actions for employees to demonstrate their understanding, skills, behaviors, and commitment to engaging in equitable practices while working in the California community college system with the ultimate goal of increasing student success. Colleges and districts are strongly encouraged to reference these competencies and criteria as a baseline when they commence their work to embed DEIA competencies and criteria into their local employee evaluation and tenure review processes. Establishing a competency framework in the employee evaluation and tenure review process creates a developmental cycle for employees to demonstrate growth in skills, knowledge, and behaviors. Colleges and districts are encouraged to innovate and locally discuss the list of recommended DEIA competencies and criteria.

Integrating DEIA in Evaluation and Tenure Review Processes

As the subgroup developed the DEIA competencies and criteria, it became evident that a review of existing regulatory language on employee evaluations and tenure review was needed. The review process was comprehensive, involving consultation with many stakeholder groups. The review process determined that the regulations indeed needed to be amended and new regulatory language needed to be proposed to make DEIA-focused competencies and criteria a minimum standard and a system-wide requirement. The DEIA Implementation Workgroup and the sub-workgroup, which represent a diversity of system stakeholder associations, took part in several stages of system consultation. The draft revisions to the regulations were then shared with additional key stakeholder groups including the Equal Employment Opportunity and Diversity Advisory Committee (EEODAC), state labor union leadership, and the Consultation Council. Each of these groups were invited to provide direct feedback on the proposed regulations. The [regulations](#) include terminology and definitions (e.g., academic employee, accessibility, diversity, etc.) in reference to required resources to help guide implementation and to establish a common understanding and expectations. The evaluation and tenure review regulations are intended to advance and strengthen equitable student outcomes by providing employees with measurable actions to support the diverse needs and learning variability of our students. The regulations were presented for first reading at the March 17, 2022, Board of Governors meeting and were approved by the Board at its meeting on May 23, 2022.

Overview of Regulatory Changes

The following changes were made to subchapter 1, of chapter 4 of division 6 of title 5 of the California Code of Regulations:

- Sections [52510](#), [53425](#), [53601](#), [53602](#), and [53605](#) were added;
- Sections [53400](#), [53401](#), and [53403](#) were amended; and
- Section [53402](#) was repealed.

Notable changes are located in sections 52510 which provides a comprehensive list of working definitions for districts to consider. Furthermore, 53425 reinforces our systems commitment to work with diverse individual and communities' while 53605 articulates the specific DEIA obligations such as Educational and other Administrators shall include DEIA and anti-racist principles into existing policies and practices, funding allocations, decision-making, planning, and program review processes. This section also mentions faculty members employing teaching, learning, and professional practices that reflect DEIA and anti-racist principles, and in particular, respect for, and acknowledgement of the diverse backgrounds of students and colleagues to improve equitable student outcomes and course completion.

Section 53602 listed below guides The DEIA competencies and criteria used as a reference for locally developed minimum standards in community college district performance evaluations of employees and faculty tenure reviews as noted in 53601 (b):

53602 states the following:

(a) District governing boards shall adopt policies for the evaluation of employee performance, including tenure reviews, that requires demonstrated, or progress toward, proficiency in the locally-developed DEIA competencies or those published by the Chancellor pursuant to section 53601.

(b) The evaluation of district employees must include consideration of an employee's demonstrated, or progress toward, proficiency in diversity, equity, inclusion, and accessibility DEIA-related competencies that enable work with diverse communities, as required by section 53425. District employees must have or establish proficiency in DEIA-related performance to teach, work, or lead within California community colleges.

(c) To advance DEIA principles in community college employment, districts shall:

(1) include DEIA competencies and criteria as a minimum standard for evaluating the performance of all employees;

(2) ensure that evaluators have a consistent understanding of how to evaluate employees on DEIA competencies and criteria;

(3) set clear expectations regarding employee performance related to DEIA principles, appropriately tailored to the employee's classification;

(4) place significant emphasis on DEIA competencies in employee evaluation and tenure review processes to support employee growth, development, and career advancement;

(5) ensure professional development opportunities support employee development of DEIA competencies that contribute to an inclusive campus and classroom culture and equitable student outcomes;

(6) ensure an evaluation process that provides employees an opportunity to demonstrate their understanding of DEIA and anti-racist competencies.

(7) include proposed or active implementation goals to integrate DEIA principles as a part of the district's Equal Employment Opportunity Plan required by section 53003.

These regulations impact all the employees of the educational ecosystem as 53605b mentions:

Educational and other Administrators shall include DEIA and anti-racist principles into existing policies and practices, funding allocations, decision-making, planning, and program review processes. These processes shall take into account the experience and performance of students and colleagues of diverse backgrounds, and work to close equity gaps in student outcomes and hiring(c) Staff members shall promote and incorporate culturally affirming DEIA and anti-racist principles to nurture and create a respectful, inclusive, and equitable learning and work environment. In conducting their duties, staff members shall respect and acknowledge the diversity of students and colleagues.

Next Steps

The regulations became effective on April 16, 2023, and the next phase requires local implementation by community college districts. Districts are encouraged to begin the local implementation process of embedding DEIA competencies and criteria by engaging in conversations with stakeholders and conducting a review of their existing local evaluation and tenure review processes. Districts may utilize the [DEIA competencies and criteria framework](#) as a baseline for developing their own competencies.

The Chancellor's Office is committed to creating the enabling conditions to support districts with their local implementation efforts. In addition to developing the DEIA competency and criteria

framework and updating Title 5 regulations on evaluation and tenure review, the Chancellor's Office has also revised the [EEO Plan Template](#) to establish accountability in the evaluation and tenure review processes.

Additionally, the Chancellor's Office has published DEIA resources to assist with increasing awareness and understanding of DEIA efforts. They include the [Diversity, Equity, Inclusion, and Accessibility \(DEIA\) Glossary](#) and two modules on cultural competency and implicit bias. These modules are available on the [Vision Resource Center](#). Everyone who completes these learning modules will receive a certificate of completion. The modules are:

- **“I Don't See Color, I Just See People: Becoming Culturally Competent”** - this module examines the way in which the U.S. educational system perpetuates inequity and introduces various frameworks that can be leveraged to promote cultural competence and improve students' experiences on campus.
- **“Playing Behind the Screen: The Implicit Bias in Our Colleges”** - this module introduces implicit bias and how it manifests on a college campus. The module offers strategies to address implicit bias at the institutional level to improve the educational outcomes for students and experiences for everyone on our campuses.

Lastly, the Chancellor's Office Institutional Effectiveness Partnership Initiative (IEPI) division will provide additional resources and opportunities for professional development, highlight California community colleges that have begun to embed DEIA into their evaluation and tenure review processes, and share scalable promising practices that contribute to inclusive and culturally sensitive working and learning environments that benefit all students.

Should you have any questions about this guidance, please email Dr. Abdimalik Buul at abuul@cccco.edu.

cc: Dr. Daisy Gonzales, Interim Chancellor
Dr. Lizette Navarette, Interim Deputy Chancellor
David O'Brien, Vice Chancellor, Government Relations
Dr. Siria Martinez., Assistant Vice Chancellor, Student Equity & Success

Attachments:

- Final Title 5 Regulation Text for DEIA Evaluation and Tenure Review of District Employees, Effective April 16, 2023
- DEIA Competencies and Criteria Framework